

Sullivan County NH

Type of meeting: Board of Commissioner – Public Business Meeting

Date/Time: Tuesday – December 5, 2006; 1:30 PM

Place: Newport County Complex – Remington Woodhull
County Complex, 1st Floor, Commissioners Conf. Rm.

Attendees: Commissioners Donald S. Clarke – *Chair*, Ben C. Nelson – *Vice Chair* and Ethel Jarvis – *Clerk*, Ed Gil de Rubio – *County Manager*; Peter Farrand – *Human Resource Director*; Sharon Johnson-Callum (minute taker).

Other attendees: *State-County Delegate* Larry Converse; Aaron Aldrich – *Eagle Times Staff Reporter*; Jeff Barrette – *County Commissioner Elect*.

1:32 The Chair, Commissioner Clarke, brought the meeting to order.

Rep. Converse led all in the *Pledge of Allegiance*.

AGENDA ITEM NO. 1 MEETING MINUTES

AGENDA ITEM NO. 1.A. NOVEMBER 14, 2006 REGULAR PUBLIC MEETING
Commissioner Jarvis pointed out four words that needed to be corrected.

1:31 A motion was made, by Commissioner Nelson, to approve the [November 14, 2006 regular public] meeting minutes, with the amendment [corrected words]. Commissioner Jarvis seconded the motion. There was no further discussion. A voice vote was taken. The motion carried, unanimously.

AGENDA ITEM NO. 1.B. NOVEMBER 14, 2006 EXECUTIVE SESSION MEETING
Commissioner Jarvis asked for them to remind her why they held the Executive Session. Commissioner Clarke noted it pertained to a litigation issue that is now settled and he would discuss that issue in the Commissioners Report section.

1:34 A motion was made, by Commissioner Jarvis, to approve of minutes [November 14, 2006 Executive Session Meeting] and to release them. Commissioner Nelson seconded the motion. There was no further discussion. A voice vote was taken. The motion carried, unanimously.

AGENDA ITEM NO. 1.C. NOVEMBER 28, 2006
Commissioner Clarke noted he did not attend the meeting.

1:35 A motion was made, by Commissioner Nelson, approving the minutes [November 28, 2006] as printed. Commissioner Jarvis seconded the motion. There was no further discussion. A voice vote was taken. Both Commissioner Jarvis and Nelson voted in favor. Commissioner Clarke refrained from voting. The motion carried, by the majority.

AGENDA ITEM NO. 2. HUMAN RESOURCES REPORT

AGENDA ITEM NO. 2.A. CONFLICT OF INTEREST ARTICLE XXII

It was noted the Conflict of Interest portion was approved at the 11/28/06 meeting; but needed to be separated from the second portion, with the Board to approve the second and to sign.

AGENDA ITEM NO. 2.B. DISCLOSURE OF CONFIDENTIAL INFORMATION ARTICLE XXXIV

Commissioner Jarvis requested a more detailed explanation of the proposed *Disclosure of Confidential Information Article*. Mr. Farrand provided an example of an employee who is privy to confidential information, providing that information to someone who's intent is to harm to the organization. He noted it was designed as guidelines for employees as to what is good and bad for the organization. He added, the goal with the policies in the manual are to further outline and define for the employee, to make as clear as possible for those reading; and, ultimately protect the employee. New employees receive a four-hour orientation, during which they review the County Employee manual and view videos for generic policies. New policies are stapled to all payroll envelopes; and the County provides yearly sessions to review new policies released.

1:43 A motion was made, by Commissioner Nelson, to approve of Article XXXIV [Disclosure of Confidential Information]. Commissioner Jarvis seconded the motion. A voice vote was taken. The motion carried, unanimously.

Each member of the Board signed the new two articles.

AGENDA ITEM NO. 3. COUNTY MANAGER

NON-AGENDA ITEM - COUNTY EMERGENCY DIRECTORY FOR INTERNAL USE ONLY

Mr. Gil de Rubio provided Mr. Barrette and the Board with the most current emergency directory, which is used for internal use only. He noted to Rep. Converse the Delegates would receive them in their packages [at the 12/13/06 Orientation].

501.C.3 APPLICATION, ASSISTED LIVING/SENIOR CARE FACILITY PROJECT

Mr. Gil de Rubio referred the Board to the "*Articles of Agreement Of A New Hampshire Non-Profit Corporation*", which he noted was reviewed and provided by Mike Pulling and Attorney Michael Shklar. He pointed out five individuals were required to sign the form, and suggested the three Commissioners, he and Mr. Barrette as signees. He noted

this form was just to apply for a non-profit status for the assisted care/senior living facility project, currently known as "*The Meadows of Sullivan County, Inc.*", and did not bind any of the signees to the project. The application, once signed would be sent to Concord for approval to form the non-profit organization; once approval is received, the second step would be to apply for a tax exempt ID number from the IRS. Commissioner Jarvis indicated she had completed these forms before and understood the importance of time. She noted she did not like the name "Meadows" and would prefer "Maple Hill", to which the group discussed how closely the name "Maple Hill" was to Cheshire County assisted living and that the name could be easily change later on. It was noted the form would be sent with a \$25 processing fee.

- 1:52 A motion was made, by Commissioner Jarvis, to go forth with this [the signing of the *Articles of Agreement Of A New Hampshire Nonprofit Corporation*]. Commissioner Nelson indicated he wanted to abstain from the vote but would sign if the other two Commissioners approved it. Commissioner Clarke seconded the motion. No further discussion. A voice vote was taken. The motion carried, with Commissioner Clarke and Jarvis in favor. Commissioner Nelson abstained from the vote.**

The following signed the "Articles of Agreement Of A New Hampshire Nonprofit Corporation" form: Commissioners Donald S. Clarke, Ethel Jarvis and Ben Nelson; along with County Manager Ed Gil de Rubio and County Commissioner Elect Jeff Barrette.

NON AGENDA ITEM - APPENDIX A: SAMPLE CONFLICT OF INTEREST POLICY

Mr. Gil de Rubio noted the Board received a copy of the "*Appendix A: Sample Conflict of Interest Policy*", for the assisted care/senior living project, just before the meeting. He noted this form required the Board to sign and return with the completed IRS 1023 form to attain an exempt 501.c.3 status. He noted it would be okay to hold off until their next meeting in Unity, if they needed time to review the policy. Commissioner Nelson commented that is was "boiler plate"; Mr. Gil de Rubio concurred it was similar to the housing grant and confirmed Attorney Shklar read through it and was comfortable with the wording.

- 1:59 A motion was made, by Commissioner Jarvis, to adopt the Appendix A: Sample Conflict of Interest Policy. Commissioner Nelson seconded the motion. Discussion – It was asked, if the "corporation" should sign this form if it was to attain 501.c.3 status? Mr. Gil de Rubio noted they were the Board of Commissioners and as such listed as the Board of Directors, which could change at any time. Any number can be appointed to the Board; but with this form four individuals would sign: 3 Commissioners and one employee, usually the Program Director – who is not a Board member. A voice vote was taken. The motion carried, unanimously.**

Mr. Gil de Rubio noted the only other request at this time, would be for the Board to authorize the County Manager to sign the IRS 1023 form, after the attorney approves of it. The form is currently at Attorney Shklar's office being typed for review.

2:02 A motion was made, by Commissioner Nelson, to authorize the County Manager to signed the 1023 form after the attorney approves of it. Commissioner Jarvis seconded the motion. There was no further discussion. A voice vote was taken. The motion carried, unanimously.

Mr. Gil de Rubio indicated he realizes there has been a hold placed on this project, but noted he was completing the budgeted tasks requested previously of the Board.

NON AGENDA ITEM - ANTIOCH NEW ENGLAND INSTITUTE REPORT

Mr. Gil de Rubio pointed out copies of the "*Recycling-Based Waste Management Action Plan for the Communities of Sullivan County, NH – Draft dated 11-16-06*", created by Antioch of NE - Paul Markowitz were distributed to each. Mr. Gil de Rubio indicated both Newport Town Manager – Dan O'Neill and Mr. Markowitz contacted him and want the County to host a meeting in January with local leaders regarding a proposal to locate a MRF recycling facility in the county. Mr. Gil de Rubio recommended holding the meeting at the Ahern Building and will be speaking more with Guy Santagate, Claremont City Manager, as well as Paul and Dan.

NON AGENDA ITEM – PANDEMIC PREPAREDNESS PHASE II FUNDING

Mr. Gil de Rubio noted he received an e-mail from Neil Twitchell, which noted, unofficially, Greater Sullivan County All Hazards Region Committee would receive \$20,000 for Phase II of their pandemic preparedness planning. He reminded the group Jane Hubbard of Hubbard Associates was hired as the consultant and has taken an aggressive approach, out organizing various individuals; truly a professional and feels the committee made the right choice. Commissioner Clarke noted the NHAC feels slighted as the NHAC as a whole has not been brought in. Mr. Gil de Rubio noted Commissioner John Stephen called a meeting of the Commissioners Council and invited all County Commissioners to attend.

NON AGENDA ITEM – LSR

Mr. Gil de Rubio indicated he received word Rep. Converse submitted an LSR, a *Legislative Service Request*, regarding the County nursing home. He indicated he called Rep. Converse and left word with his wife that he would like to speak to him regarding the issue, but that Rep. Converse did not return the phone call. Mr. Gil de Rubio indicated he follow up with an e-mail asking if he could set up a meeting to discuss the LSR, to which Rep. Converse replied "*No thank you*". At this point in the meeting, Mr. Gil de Rubio asked Rep. Converse if he filed an LSR about the County nursing home and if he had contacted the Board of Commissioners regarding this? Rep. Converse indicated he would not talk about the LSR and noted he had not spoken to any of the Commissioners about the issue. He noted he did not have to talk to anyone about what he submitted. He then noted it could not be seen on line, either, until it is designated a number. Mr. Gil de Rubio explained to the group what an LSR was and noted the one

that submitted it has so many days to formulate a bill. He noted his displeasure with Rep. Converse not returning his phone call and for not discussing the issue with the Commissioners, since it pertained to the County nursing home, a facility under the direct supervision of the Board.

AGENDA ITEM NO. 4. COMMISSIONERS REPORT

ANTIOCH REPORT

Commissioner Jarvis confirmed she met with Paul Markowitz and had assured him she'd pass out the information, which Mr. Gil de Rubio did so earlier in the meeting. She noted their proposal is for a single or double stream recycling facility to be established in the county. The group confirmed this report was a result of the \$110,000 grant fund ANTIOCH received previously through the assistance of Patrick Pinkson-Burke. Commissioner Nelson noted an ideal spot for this would have been adjacent to the ash landfill, which Revite now owns, as it would have been a central location and right next door to where the other "stuff" goes.

NHAC DECLARATORY JUDGEMENT

Commissioner Clarke noted now that the litigation is over he could discuss the issue, which pertained to budget neutrality. He noted Bel Aire, a private nursing home, challenged budget neutrality; Superior Court agreed it was not fair and ruled in their favor; the State asked for a re-hearing which the Court denied; however, they may have the option to go to the Supreme Court. The 10 NH County's declaratory judgment was handled through the Supreme Court; and the Supreme Court ruled in the counties favor. He advised all this will continue to play out in the upcoming years legislative session as pieces of SB 409 sunset in June.

MEDCAID RATES SHEETS

Commissioner Nelson requested copies of the Medicaid rate spreadsheet be provided to Jeff Barrette. Mr. Gil de Rubio confirmed this would be done. Commissioner Nelson briefed Mr. Barrette on the data the spreadsheet reflected.

FUTURE NHAC CONVENTION PLANS

Commissioner Clarke noted NHAC is negotiating with *Wentworth By the Sea* to hold the 2007 County Convention, which will be hosted by Strafford County. The Convention may be held later in the year, to attain off-season rates. He reminded all that Sullivan County would be hosting in 2008.

AGENDA ITEM NO. 5. PUBLIC PARTICIPATION

Rep. Converse asked why the NHAC could not utilize Sunapee Lodge for the NHAC Convention event. Commissioner Clarke noted it was too small discussing how many rooms would be needed for seminars, trade show events, and overnight accommodations. The group discussed various locations where past conventions were held.

Commissioner Clarke noted the NHAC Officers voted to hire an NHAC Executive Director; salary range would be \$60,000-95,000 and the position would carry more authority and act more autonomously. The NHAC received 33 candidate applications, which they are reviewing at this time.

Mr. Gil de Rubio noted he was working with Representative Rodeschin, through DHHS, to add 15 Respite and Hospice beds. He recently spoke with a staff member of Commissioner John Stephen's office, along with Rodeschin on how to do this and not affect the moratorium. A proposal was suggested to add these in the Sanders Unit, the older nursing home portion, which would allow them to keep it separate from the nursing home and easier to attain federal funding. He will keep the Board updated as he hears more. Commissioner Clarke suggested Mr. Gil de Rubio speak with Bob Hemenway, as he received a different impression about the moratorium situation. The group discussed how these beds were related to the assisted care / senior living project.

Rep. Converse asked Commissioner Clarke for an update on the damage to the sewer line from the County to Claremont. It was noted this issue was discussed at the 11/14/06 meeting. Commissioner Clarke reviewed the information he discussed at the meeting.

2:35 A motion was made, by Commissioner Nelson, to adjourn the meeting. Commissioner Jarvis seconded the motion. There was no discussion. A voice vote was taken. The motion carried, unanimously.

Respectfully submitted,



*Ethel Jarvis, Clerk
Board of Commissioners*

EJ/s.j-c.